

AMENDED IN SENATE MARCH 30, 2006

SENATE BILL

No. 1725

Introduced by Senator Bowen

February 24, 2006

An act to amend Section 3017 of the Elections Code, relating to absentee ballots.

LEGISLATIVE COUNSEL'S DIGEST

SB 1725, as amended, Bowen. Absentee ballots: online information.

(1) Existing law requires an elections official to count only those absentee ballots returned by mail that are received by the elections official or delivered to a polling place by the close of the polls on the day of the election that contain specified information. Existing law also requires the elections official to establish procedures to ensure the secrecy of any absentee ballot returned to a precinct polling place.

This bill would require an elections official to establish procedures to track and confirm the receipt of voted absentee ballots by qualified absentee voters and to make this information available to the qualified absentee voter by means of online access using the county's elections division Web site, or if none is available, by means of a toll-free number for this purpose.

The bill would restrict access to this information to the qualified absentee voter who cast the ballot and would require the elections official to establish procedures to ensure the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used in tracking absentee ballots. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3017 of the Elections Code is amended
2 to read:

3 3017. (a) All absentee ballots cast under this division shall be
4 voted on or before the day of the election. After marking the
5 ballot, the absent voter shall do either of the following: (1) return
6 the ballot by mail or in person to the elections official from
7 whom it came or (2) return the ballot in person to any member of
8 a precinct board at any polling place within the jurisdiction.
9 However, an absent voter who, because of illness or other
10 physical disability, is unable to return the ballot, may designate
11 his or her spouse, child, parent, grandparent, grandchild, brother,
12 sister, or a person residing in the same household as the absent
13 voter to return the ballot to the elections official from whom it
14 came or to the precinct board at any polling place within the
15 jurisdiction. The ballot must, however, be received by either the
16 elections official from whom it came or the precinct board before
17 the close of the polls on election day.

18 (b) The elections official shall establish procedures to ensure
19 the secrecy of any ballot returned to a precinct polling place and
20 the security, confidentiality, and integrity of any personal
21 information collected, stored, or otherwise used pursuant to this
22 section.

23 (c) The elections official shall establish procedures to track
24 and confirm the receipt of voted absentee ballots by qualified
25 absentee voters and to make this information available to the
26 qualified absentee voter by means of online access using the
27 county's elections division Web site. If the county does not have

1 an elections division Web site, the elections official shall
2 establish a toll-free number that the qualified absentee voter may
3 use to confirm the date his or her voted ballot was received ~~and~~
4 ~~counted~~. Access to this information shall be restricted to the
5 qualified absentee voter who cast the ballot.

6 (d) The provisions of this section are mandatory, not directory,
7 and no ballot shall be counted if it is not delivered in compliance
8 with this section.

9 (e) Notwithstanding subdivision (a), no absent voter's ballot
10 shall be returned by any paid or volunteer worker of any general
11 purpose committee, controlled committee, independent
12 expenditure committee, political party, candidate's campaign
13 committee, or any other group or organization at whose behest
14 the individual designated to return the ballot is performing a
15 service. However, this subdivision shall not apply to a candidate
16 or a candidate's spouse.

17 SEC. 2. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.